Dear HR Community,

The purpose of this advisory is to provide important information on two topics; adhering to required protocol regarding background checks for employees of third-party staffing vendors, and changes to the I-9 E-Verify protocol.

Third Party Staffing Vendor Background Checks

**Current Mandate.** In 2011, the university implemented mandatory background checks for employees, including those employees of third-party staffing vendors. Third party staffing vendors must complete background checks that comply with our minimum standards before initial access is granted to one of their employees. In addition, we require that their employees be rechecked if at any point they break service with the vendor that employs them, and self-disclose any criminal convictions that occur while being assigned to Ohio State.

Human Resources located in the colleges and/or units are responsible for assuring that this standard is being met, either by reviewing individual background checks prior to granting access to these individuals, or by attesting that they are regularly and routinely auditing the background activity of the third-party staffing vendor. Verification of the audit process is to be communicated to Gina Thorpe with the Talent Acquisition team.

Additionally, LexisNexis, the vendor retained by Ohio State to provide university background checks, offers a contractor portal that third party vendors may utilize, and which allows Ohio State staff to view the results.

**Required Action.** Please ensure that any and all third-party staffing vendors are adhering to the practice as outlined.

**Additional Information:** For more information, refer to Policy 4.15, Third Party Staffing Vendor Contract Language.

I-9 & E-Verify Regulation Changes

The United States Citizenship and Immigration Services (USCIS) recently introduced changes to the E-Verify regulations. Similar to the process to validate the Permanent Resident Card (Form I-551) and the Employment Authorization Card (Form I-766), the E-Verify system now employs the photo matching tool for the U.S. Passport or Passport Card.

**Required Action.** In order to comply with these new regulations, all U.S. Passports or Passport Cards that are presented when completing the Form I-9 must be photocopied. As we have done with the Permanent Resident Card and Employment Authorization Card photocopies, the photocopy of the U.S. Passport or Passport Card must be stapled and kept with the original Form I-9.

As some may already be aware, the I9Db has been updated to accommodate these changes. Upon entering an employee’s U.S. Passport or Passport Card and submitting to E-Verify, a picture
of the employee will appear on the screen. The picture should match the picture found on the employee’s document. Simply follow the on-screen instructions to verify the employee’s employment eligibility.

**Affect to existing employees.** We are not required to retroactively collect photocopies of U.S. Passports or Passport for existing employees who presented a U.S. Passport or Passport Card on their Form I-9. However, moving forward, we will be required to photocopy those documents and retain them with the paper Form I-9.

**Questions:** Questions or comments regarding third party staffing vendor background checks may be directed to Gina Thorpe at (614) 688-5971 or gthorpe@hr.osu.edu. Questions or comments regarding I-9/E-Verify may be directed to Ahmad Hassan at (614) 292-0344 or ahassan@hr.osu.edu.
Directions: This statement must be added to all contracts with third party staffing vendors.

Contractor, at its expense, must conduct a background check for each of its employees, as well as for the employees of its subcontractors, who will provide services to the university or who will have access to university computer systems, either through on-site or remote access (collectively "Contractor Employees"). Contractor Employees, for the purpose of this requirement, include such temporary staff as office support, custodial service and third party vendor interpreters and transcribers. They do not include routine deliverymen, performing artists, independent consultants, etc. Background checks are to be conducted via a request with the Ohio Bureau of Criminal Identification, and either the identified university background check vendor or the Contractor's background check vendor based on the university and the specific unit's process. The minimum Background Check process for any university unit shall include, but not be limited to, the following checks:

i) Social Security Number (SSN) Trace;
ii) Criminal Records (County and State Criminal Felony and Misdemeanor, National Criminal Database, Federal Criminal)
iii) National Sex Offender Registry

The background check must be conducted prior to initial access by Contractor Employees. Contractor Employees, who separate employment from the contractor, as defined by The Ohio State University Office of Human Resources, must undergo another background check prior to renewed access to the university. Individual units have a right to require more regular background checks of contractor employees and have the right to require that a Contractor provide background check results to them. The university and/or a specific unit also has the ability to audit a contractor's background check process, to ensure compliance with university standards, at any time. Additionally, all Contractor Employees have the responsibility to self-disclose any misdemeanor or felony convictions that occur while assigned to the university within three business days of the conviction or upon return to a university assignment. The conviction must be reported to the Contractor, the unit senior human resource professional (SHRP) or the OHR employment law compliance manager. If reported to the Contractor, it is the Contractor's responsibility to notify the appropriate SHRP or the OHR employment law and compliance manager within 3 days of learning of the conviction. "If at any time, it is discovered that any Contractor Employee has a criminal record that includes a felony or misdemeanor, the Contractor is required to inform the university and the university will assess the circumstances surrounding the conviction, time frame, nature, gravity, and relevancy of the conviction to the job duties to determine whether the contractor employee will be placed on a university assignment. The university may withhold consent at its sole discretion. The failure of the Contractor to comply with the terms of this paragraph may result in the termination of its contract with the university.